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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,219

06/28/2006

Krister Hansson

TPP 32005

9825

74217

7590

11/20/2008

NOVAK, DRUCE + QUIGG L.L.P. - PERGO

1300 Eye Street, N.W.

1000 West Tower

Washington, DC 20005

EXAMINER

TOLIN, MICHAEL A

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

11/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/580,219

Applicant(s)

HANSSON ET AL.

Examiner

MICHAEL A. TOLIN

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims **10-14 and 18-20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claims are rejected here for the reasons provided numbered paragraph 3 of the previous office action mailed 18 March 2008.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 6, 7, 10-14 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson (US 6565919) in view of Sano (US 2002/0077384), and further in view of either one of Arledter (US 2816851) or Mott (US 2002/0007909).

Hansson and Sano are applied as set forth in numbered paragraph 5 of the previous office action.

Regarding the new amendment which eliminates melamine formaldehyde resin from the list of resins in the applying limitation, it is noted that Hansson does not place any criticality on the use of a particular resin for the wear layer. Hansson broadly teaches that the wear layer may comprise one or more sheets of α -cellulose impregnated with thermosetting resin or lacquer (column 1, lines 64-67; column 2, lines 1-2). While Hansson suggests melamine formaldehyde as a suitable resin, phenol formaldehyde or urea formaldehyde resins are also known as suitable for the wear layer of a decorative laminate. For example, Arledter suggests phenol formaldehyde as an alternative to melamine formaldehyde as the resin of the overlay sheet, the outermost sheet which acts as a wear layer (column 3, lines 19-28). Mott indicates that a wear layer may be provided as a plurality of α -cellulose sheets impregnated with urea formaldehyde as an alternative to melamine formaldehyde (paragraphs 29-31). It would have been obvious to one of ordinary skill in the art at the time of the invention to use phenol formaldehyde or urea formaldehyde as the impregnating resin of the wear layer in Hansson because one of ordinary skill in the art would have been motivated to use known suitable alternatives to melamine formaldehyde as evidenced by either one of Arledter or Mott.

As in the previous office actions, the claimed improvement in bonding is considered inherent in the modified method of Hansson, since the ink composition suggested by Sano is substantially the same as that claimed. This position of set forth on pages 4 and 5 of the office action mailed 28 September 2007.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansson in view of Sano, and further in view of either one of Arledter or Mott as applied to claims 1, 2, 4, 6, 7, 10-14 and 16-20 above, and further in view of Schulz (US 2003/0039810).

Schulz is applied as set forth in numbered paragraph 7 of the office action mailed 28 September 2007.

Response to Arguments

6. Applicant's arguments filed 18 August 2008 have been fully considered but they are not persuasive.

Applicant argues that the new matter rejection is improper. Specifically, Applicant argues that the terminology "comprising" does not preclude additional materials. While this may be true, "comprising" does not suggest the use of a particular additional material and does not suggest the use of an additional amino resin. Applicant also argues that original claim 10 provides support for the additional amino resin. However, claim 10 does not recite an additional amino resin, but rather further defines the already claimed wear layer as a layer of high viscosity amino resin applied on top of

the decorative layer prior to lamination. Applicant argues that the examiner has interpreted the above noted "comprising" language as "consisting". However, the examiner acknowledges that the terminology "comprising" does not preclude additional materials. The examiner's position is that "comprising" does not imply a specific additional material, in particular, an additional amino resin. Applicant argues that the plurality of layers of original claim 12 suggests an additional amino resin. However, original claim 12 is directed to further defining the wear layer as one or more amino resin impregnated cellulose layers. Original claim 12 does not suggest these layers as being in addition to the wear layer of original claim 1. Similarly, claim 11 is directed to further defining the wear layer rather than being in addition to the wear layer of original claim 1. For these reasons, it does not appear Applicant was in possession of the limitation of an additional amino resin in the wear layer at the time of the invention. The examiner suggests using language similar to that used in the original claims or the specification rather than using the currently claimed "additionally comprises" language.

Applicant's remaining arguments are directed to the new amendment which has eliminated melamine formaldehyde resin from the applying limitation. These arguments are moot in view of the new grounds of rejection applied above which have addressed the new claims.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

The amendment to independent claim 1 required further search and consideration, necessitating the new grounds of rejection applied above.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL A. TOLIN whose telephone number is (571)272-8633. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael A Tolin/
Examiner, Art Unit 1791

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1791